

ESTTA Tracking number: **ESTTA460568**

Filing date: **03/07/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Angels Baseball LP
Granted to Date of previous extension	03/07/2012
Address	2000 Gene Autry Way Anaheim, CA 92806 UNITED STATES
Attorney information	Lisa M. Willis Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES trademark@cll.com, jmn@cll.com, lmw@cll.com, ame@cll.com Phone:212-790-9200

Applicant Information

Application No	85332627	Publication date	11/08/2011
Opposition Filing Date	03/07/2012	Opposition Period Ends	03/07/2012
Applicant	Shim, Misty D. 6880 Eagle Ridge Dr. Gilroy, CA 95020 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, t-shirts, tank tops, long sleeve shirts, thermal shirts, sweaters, dresses, dress shirts, hooded sweatshirts, velour outfits, sport outfits, shoes, hats, jackets, jeans, capri pants, shorts, underwear, under shirts

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	LEGION OF ANGELS - Lt to Commissioner re Notice of Opposition.pdf (1 page) (68894 bytes) NOO - LEGION OF ANGELS.pdf (5 pages) (17695 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Lisa M. Willis/
Name	Lisa M. Willis
Date	03/07/2012



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March 7, 2012

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Angels Baseball LP
Notice of Opposition against
Misty D. Shim
Application to Register LEGION OF ANGELS
Attorney Ref. No. 21307.024

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 85/332,627, which was published in the Official Gazette on November 8, 2011. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300.00 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03 3415.

Please address all future correspondence to the attention of Mary L. Kevlin, Esq. of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Lisa M. Willis/
Lisa M. Willis

Enclosures

cc: Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/332,627
Filed: May 27, 2011
For Mark: LEGION OF ANGELS
Published in the Official Gazette: November 8, 2011

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ANGELS BASEBALL LP,	:	
	:	Opposition No.
Opposer,	:	
	:	
v.	:	
	:	<u>NOTICE OF OPPOSITION</u>
MISTY D. SHIM,	:	
	:	
Applicant.	:	
	:	
-----X		

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Angels Baseball LP (“Opposer”), a California limited partnership, with offices at 2000 Gene Autry Way, Anaheim, CA 92806, believes that it will be damaged by registration of the standard character word mark LEGION OF ANGELS (hereinafter “Applicant’s Mark”) in International Class 25 for “Clothing, namely, t-shirts, tank tops, long sleeve shirts, thermal shirts, sweaters, dresses, dress shirts, hooded sweatshirts, velour outfits, sport outfits, shoes, hats, jackets, jeans, capri pants, shorts, underwear, under shirts” as shown in Application Serial No. 85/332,627 (the “Application”), and having been granted an extension of time to oppose up to and including March 7, 2012, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned LOS ANGELES ANGELS OF ANAHEIM MAJOR LEAGUE BASEBALL club.

2. Since long prior to May 27, 2011, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the names or marks ANGELS or ANGEL, alone or with other word, letter and/or design elements (the "Opposer's ANGELS Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, including without limitation, athletic apparel, athletic uniforms, shirts, tank tops, sweatshirts, sweatpants, jogging suits, hats, caps, jackets, pants, shorts, underwear, undershirts; footwear; toys and sporting goods; athletic bags; paper and printed matter and novelty items.

3. Opposer owns U.S. federal registrations for Opposer's ANGELS Marks in International Classes 9, 14, 16, 18, 25, 28 and 41; namely Registration Nos. 1,485,613, 1,646,800, 1,881,515, 2,482,497, 2,581,357, 2,594,105, 2,594,106, 2,597,466, 2,606,782, 2,611,737, 2,638,556, 2,667,909, 2,668,048, 2,879,939, 3,211,693, 3,326,194, 3,326,197, 3,353,457, 3,403,355, 3,406,606, 3,410,418, 3,474,157, 3,486,603, 3,506,593, 3,659,451, 3,659,452, 3,659,453, 3,659,454 and 3,662,058. Registration Nos. 1,485,613, 1,646,800, 1,881,515, 2,606,782 and 2,879,939 are incontestable.

4. Since long prior to May 27, 2011, Applicant's constructive first use date, Opposer, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's ANGELS Marks, including, but not limited to, clothing, including without limitation, athletic apparel, athletic uniforms, shirts, tank tops, sweatshirts, sweatpants, jogging suits, hats, caps, jackets, pants, shorts, underwear, undershirts; footwear; toys and sporting goods; athletic bags; paper and printed matter and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's ANGELS Marks, Opposer has built up highly valuable goodwill in Opposer's ANGELS Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On May 27, 2011, Applicant filed the Application for Applicant's Mark for "Clothing, namely, t-shirts, tank tops, long sleeve shirts, thermal shirts, sweaters, dresses, dress shirts, hooded sweatshirts, velour outfits, sport outfits, shoes, hats, jackets, jeans, capri pants, shorts, underwear, under shirts" based on an intent to use.

7. Upon information and belief, Applicant did not use Applicant's Mark for the goods covered in the Application in the United States prior to its constructive first use date of May 27, 2011.

8. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's ANGELS Marks.

9. Applicant's Mark so resembles Opposer's ANGELS Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Lisa M. Willis (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
March 7, 2012

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Lisa M. Willis/

Mary L. Kevlin
Richard S. Mandel
Lisa M. Willis
1133 Avenue of the Americas
New York, New York 10036
(212)790-9200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on March 7, 2012, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid to, Applicant Misty D. Shim, 6880 Eagle Ridge Dr., Gilroy, CA 95020-3032.

/Lisa M. Willis/

Lisa M. Willis